IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

CRL.A.No. 182 of 2006()

CC.895/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

.....

APPELLANT: COMPLAINANT:

B. JAYACHANDRAN, THOPPIL HOUSE,
ERAMALLOOR P.O., CHERTHALA.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS: ACCUSED & STATE:

---

1. ANIL KUMAR. P., SARADA JEWELLERY,
MULLAKKAL, ALAPPUZHA.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.S.UNNIKRISHNAN FOR R1
SRI.MANU V.
P.P.SRI.C.M.KAMMAPPU FOR R2

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Thankappan, J.

- -

Crl.A. No. 182 of 2006

- -

Dated this the 25th day of July, 2007

JUDGMENT

The appeal is filed by the complainant against the judgment in C.C.No.895/2003 on the file of the Judicial Magistrate of the First Class-II, Cherthala. By the impugned order the trial court acquitted the 1st respondent under section 255(1) Cr.P.C. stating that the 1st respondent had not issued Ext.P1 cheque in favour of the appellant for the discharge of a sum of Rs.30,000/-. When the appeal came up for admission, this Court admitted the appeal and notice was ordered. First respondent is represented through counsel. Now Crl.M.A.No.7324/2007 is filed by the appellant stating that the matter had been compromised at the instance of mediators and hence the appellant may be permitted to withdraw the appeal. Having perused the materials placed on records and having considered the fact that the matter is settled out of court, this Court is of the view that the impugned judgment requires no interference by this Court. Hence, the appeal is dismissed confirming the judgment of the trial court.

K. Thankappan,
Judge.

mn

It is relelvant to note that only because of the absence of the appellant, the 1st rspondent is dragged to this Court. Hence, it is only proper for this Court to allow a reasonable costs to the 1st respondent. Therefore, the appellant is directed to deposit before the court below an amount of Rs.2,000/- on or before the date of posting of the case. If the amount is deposited, the 1st respondent is permitted to withdraw the same.

K. Thankappan,J.

- - - - - - - - - - - - - - - -

Crl.A.349/2003

- - - - - - - - - - - - - - - -

<u>Judgment</u>
29-3-2007